

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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|--|---|------------------|
| NATIONAL RIFLE ASSOCIATION OF AMERICA, |) | |
| |) | |
| |) | |
| Plaintiff/Counter-Defendant, |) | |
| |) | |
| vs. |) | |
| |) | |
| ACKERMAN McQUEEN, INC., |) | |
| |) | |
| Defendant/Counter-Plaintiff, |) | CIVIL ACTION NO. |
| |) | |
| and |) | 3:19-CV-2074-G |
| |) | |
| MERCURY GROUP, INC., HENRY |) | |
| MARTIN, WILLIAM WINKLER, and |) | |
| MELANIE MONTGOMERY, |) | |
| |) | |
| Defendants. |) | |

ORDER

Currently pending before the court is the motion for partial summary judgment (docket entry 278) filed by the defendant/counter-claimant Ackerman McQueen, Inc., and the defendants Mercury Group, Inc., Henry Martin, William Winkler, and Melanie Montgomery, the motion to strike (docket entry 303) filed by plaintiff/counter-defendant National Rifle Association of America, and the motion to strike (docket entry 330) filed by the defendants.

After a preliminary review of the submitted materials as well as recent docket

activity, the court notes that there may remain significant amounts of discovery yet to be conducted. This is an unfortunate development as the parties have had ample time to comply with the standing order of United States Magistrate Judge Renée Harris Toliver regarding all discovery matters and disputes (docket entry 62). The court is further disappointed with this development as the discovery deadline was recently extended by the court to August 6, 2021. *See* Order (docket entry 236). That said, the court now feels obligated to reassess the timeline of this litigation in order to preserve the integrity of a trial.

To that end, it is **ORDERED** that by **August 31, 2021**, each party shall file a status report containing the parties' respective positions regarding the following issues:

- (1) what discovery remains to be conducted (*i.e.*, who needs to be deposed, what, if any, documents or other records need to be produced, etc.);
- (2) the significance of this discovery generally and what impact would it have on the motions currently pending before the court;
- (3) the discovery motions/issues that remain pending before this court (this includes discovery pending before Magistrate Judge Toliver); and
- (4) why the parties are not in compliance with the court's scheduling order.

To be clear, this is not the position the court expected this litigation to be in at this point and hopes that its disappointment will be heeded by the parties going

forward. However, the court is chiefly concerned with ensuring a full, fair, and complete resolution of this matter and preserving the integrity of a trial.

SO ORDERED.

August 26, 2021



A. JOE FISH
Senior United States District Judge